

1 GREGORY W. SMITH (SBN 134385)
2 **LAW OFFICES OF GREGORY W. SMITH**
3 9100 Wilshire Boulevard, Suite 345E
4 Beverly Hills, California 90212
5 Telephone: (310) 777-7894
6 (213) 385-3400
7 Telecopier: (310) 777-7895

8 CHRISTOPHER BRIZZOLARA (SBN 130304)
9 1528 16th Street
10 Santa Monica, California 90404
11 Telephone: (310) 394-6447
12 Telecopier: (310) 656-7701

13 Attorneys for Plaintiff
14 WILLIAM TAYLOR

15 **UNLIMITED JURISDICTION**

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

17 **FOR THE COUNTY OF LOS ANGELES**

18 WILLIAM TAYLOR,

19 Plaintiff,

20 vs.

21 CITY OF BURBANK and DOES 1 through
22 100, inclusive,

23 Defendants.

CASE NO. BC 422 252

[Assigned to the Hon. John L. Segal,
Judge, Dept. "50"]

PLAINTIFF'S MOTION FOR
ATTORNEY'S FEES; MEMORANDUM
OF POINTS AND AUTHORITIES IN
SUPPORT; DECLARATIONS IN
SUPPORT THEREOF

Date: July 9, 2012

Time: 8:30 a.m.

Dept.: "50"

[Filed concurrently with Declarations
of Gregory W. Smith, Christopher
Brizzolara, Douglas Benedon, and
Selma Francia]

Action Filed: September 22, 2009
Trial: March 5, 2012

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1 **TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE** that on **July 9, 2012**, at **8:30 a.m.** in the Los Angeles
4 County Superior Court, Central District, **Department "50,"** located at 111 North Hill
5 Street, Los Angeles, California 90012, Plaintiff **WILLIAM TAYLOR** ("Plaintiff") will and
6 hereby do move for an award of attorneys' fees in the lodestar amount of at least
7 \$876,532.50 plus an appropriate multiplier of not less than 2.0.
8

9 The grounds for the motion are that the Plaintiffs brought an action under the Fair
10 Employment and Housing Act ("FEHA") for retaliation, that FEHA provides that the
11 prevailing party may be entitled to attorneys fees incurred in bringing in such actions, that
12 the Plaintiff was the prevailing party at the time of trial in this matter, and that the costs,
13 risks, time consumption, and overall delay from the date of initial to the date of receiving
14 payment inherent in this litigation make them extremely difficult to obtain qualified counsel
15 to represent individuals such as Plaintiff herein.
16

17 The motion will be based on this Notice of Motion, the accompanying Memorandum
18 of Points and Authorities, the Declarations of Gregory W. Smith, Christopher Brizzolara,
19 Doug Benedon and Selma Francia, the Exhibits, the Court's file, and upon such further
20 evidence and arguments as may be presented at time of the hearing of the motion.
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23 Respectfully submitted,

24 Dated: June 11, 2012

 LAW OFFICES OF GREGORY W. SMITH

25 By: 
26

27 GREGORY W. SMITH
28 Attorneys for Plaintiff
 WILLIAM TAYLOR

1 MEMORANDUM OF POINTS & AUTHORITIES

2 I. PLAINTIFF IS ENTITLED TO ATTORNEYS' FEES AS THE PREVAILING
3 PARTY.

4 Plaintiff sued the City Burbank for FEHA and Labor Code section 1102.5 retaliation.
5 Although *Labor Code* section 1102.5 does not permit an award of attorney's fees, the
6 FEHA issues litigated in this case constituted 99% of work done on the entire case, and
7 the 1102.5 action was related to the FEHA claims.
8

9 Plaintiff claimed he was subjected to FEHA retaliation for (1) reporting sexual
10 harassment at the animal shelter, and (2) reporting discrimination of minority probationary
11 employees. As the court will recall, the vast majority of the litigation in this case
12 concerned Taylor's reporting discrimination of minority employees. Plaintiff also claimed
13 he was subjected to *Labor Code* section 1102.5 retaliation for requesting the Chief of
14 Police to bring in an outside agency to investigate a burglary which had occurred inside
15 the police department. This aspect of the case took up less than one hour of testimony
16 and only a one page document related to this claim was used to show that Taylor had in
17 indeed made the request.
18

19 Taylor's complaint that the burglary should be taken to an outside agency was used
20 to show that Taylor also wanted the Porto's internal affairs investigation to be taken to an
21 outside agency. This evidence was used to impeach Stehr, and to show that Taylor had
22 no motive to obstruct Porto's. This evidence was also used to support Taylor's FEHA
23 claims because the evidence tended to show that Stehr was untruthful and that Taylor did
24 not obstruct the Porto's investigation. If the "claims" are related, fees must reflect the
25 overall level of success in the case. Full compensation may only be limited when there is
26 only partial or limited success. *Thomas v. City of Tacoma* (9th Cir. 2005) 410 F3d 895;
27
28

1 *Schwarz v. secretary of Health and Human services* (9th Cir. 1995) 73 F3d 895.

2 Consequently, If there is any reduction in hours on account of the *Labor Code*
3 1102.5 action, and Plaintiff believes no reduction is warranted, it should be minimal, and
4 within the range of 2%.

5 Although the statute provides that the court "may" award fees, cases hold that a
6 prevailing plaintiff is entitled to fees "absent circumstances that would render the award
7 unjust." [See *Stephens v. Coldwell Banker Comm'l Group, Inc.* (1988) 199 CA3d 1394,
8 1406 (disapproved on other grounds in *White v. Ultramar, Inc.* (1999) 21 C4th 563);
9 *Horsford v. Board of Trustees of Calif. State Univ.* (2005) 132 CA4th 359, 394.] As the
10 prevailing parties, Plaintiff is therefore entitled to attorneys' fees and costs under the
11 FEHA, pursuant to *Government Code* §12965(b).
12

13
14 **II. PLAINTIFF'S ATTORNEYS' FEES SHOULD BE CALCULATED USING THE**
15 **LODESTAR METHOD**

16 The U.S. Supreme Court has described the "lodestar" method as the "guiding light"
17 of "fee-shifting jurisprudence," and has "established a 'strong presumption' that the
18 lodestar represents the 'reasonable' fee ... " *City of Burlington v. Dague* (1992) 505 US
19 557, 562, 112 S.Ct. 2638, 2641.

20 The starting point in the attorney fee analysis is the lodestar figure, which is
21 calculated using the *reasonable rate* for comparable legal services in the local community
22 for non-contingent litigation of the same type, multiplied by the *reasonable number of*
23 *hours spent* on the case. [*Ketchum v. Moses* (2001) 24 C4th 1122, 1131–1132, 104 CR2d
24 377, 384; *Nichols v. City of Taft* (2007) 155 CA4th 1233, 1242–1243, 66 CR3d 680, 687] It
25 is irrelevant to the "lodestar" calculation whether the parties' fee agreement contemplates
26 a fixed hourly rate or a contingency fee. [See *Blanchard v. Bergeron* (1989) 489 US 87,
27
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1 93, 109 S.Ct. 939, 944—contingency fee agreement not a cap on attorney fee award]

2 At least in Civil Rights Act cases, “reasonable” prevailing party attorney fees (42
3 USC § 1988) may include a market rate award for *separately billed* paralegal services.
4 “(I)f the prevailing practice in a given community were to bill paralegal time separately at
5 market rates, fees awarded the attorney at market rates for attorney time would not be
6 fully compensatory if the court refused to compensate hours billed by paralegals or did so
7 only at ‘cost.’ ” [Missouri v. Jenkins by Agyei (1989) 491 US 274, 286–288, 109 S.Ct.
8 2463, 2471]

10 **A. The Number of Hours Reasonably Expended**

11 The first step in the calculation of the lodestar is determining the number of hours
12 reasonably expended in the litigation. *Serrano v. Priest*, (1971) 20 Cal.3d at 48; *Crommie*
13 *v. Public Utilities Comm’n* (N.D. CA. 1994) 840 F.Supp. 719, 724. Hours reasonably
14 expended include, but are not limited to: (1) investigating the facts and researching the
15 law of the case; (2) interviewing and meetings with the client; (3) preparing, reviewing, and
16 revising pleadings; (4) consulting with jury experts; (5) preparing and litigating the matter;
17 (6) preparing for trial; (7) conducting the trial; (8) post trial motions; and (9) handling an
18 appeal. *Hensley v. Eckerhart* (1983) 461 U.S. at 430, fn. 4; *White v. City of Richmond*,
19 (1983) 713 F.2d at 460; *Serrano v. Priest*, *supra*, 20 Cal.3d at 48-49, fn. 23. The
20 reasonable hours may also include fee-related services – i.e., time spent preparing and
21 litigating the fee application. *Hemmings v. Tidyman’s Inc.* (9th Cir. 2002) 285 F.3d 1174,
22 1200; *Serrano v. Unruh*, (1982) 32 Cal.3d at 639. Here, the hours expended by Plaintiff’s
23 counsel have been itemized in detailed fashion in the attached declarations.

26 In FEHA cases, the verified time statements of the attorneys are entitled to a
27 presumption of credibility. In *Horsford*, *supra*, 132 Cal. App.4th 359, the court reversed
28

1 the order of a trial court regarding an attorneys fee award in a FEHA case where the trial
2 court failed to decide the fee issue with a focus on providing an award of attorney fees
3 reasonably designed to fully compensate Plaintiffs' attorneys for the services provided.
4 The court found that the trial court abused its discretion in rejecting wholesale counsels'
5 verified time records, stating that the verified time statements of the attorneys, as officers
6 of the court, are entitled to a presumption of credence in the absence of a clear indication
7 the records are erroneous. Horsford, *supra*, 132 Cal. App.4th 396 - 397.

9 The declarations supporting such time records and fee requests constitute "[s]worn
10 testimony that, in fact, it took the time claimed" and "is evidence of considerable weight on
11 the issue of the time required in the usual case." *Perkins v. Mobile Housing Board* (11th
12 Cir. 1988) 847 F.2d 735, 738. Here, Plaintiff's counsel verified time records are entitled to
13 the same presumption of credibility.

14
15 **B. The Reasonable Hourly Rate**

16 In determining a reasonable rate for the attorney's services, courts usually
17 consider:

- 18 -the prevailing rate charged by attorneys of similar skill and experience for
- 19 comparable legal services in the community;
- 20 -the nature of the work performed; and
- 21 -the attorney's customary billing rates.

22
23 *Serrano v. Unruh* (1982) 32 Cal.3d 621, 643; *Bihun v. AT& T Information Systems, Inc.*
24 (1993) 13 Cal.App.4th 976, 997, disapproved on other grounds in *Lakin v. Watkins*
25 *Associated Industries* (1993) 6 Cal.4th 644, 664; *Kerr v. Screen Extras Guild, Inc.* (9th Cir.
26 1975) 526 F.2d 67, 69, *cert. denied* 425 U.S. 951 (1976). Courts look at rates at the time
27 of the prevailing party's fee application, rather than rates charged at the time the litigation
28

1 began. *Gates v. Deukmejian* (9th Cir. 1993) 987 F.2d 1392, 1406; *Missouri v. Jenkins*
2 (1989) 491 U.S. 274, 282; *Pennsylvania v. Delaware Valley Citizens' Counsel* (1987) 483
3 U.S. 711, 716. See also, *Anderson v. Director, Office of Workers Compensation*
4 *Programs*, 91 F.3d 1322, 1324 (9th Cir. 1996) (remanding matter to district court for "delay
5 enhancement").

6
7 A reasonable hourly rate reflects the skill and experience of the lawyer, including
8 any relevant areas of particular expertise and the nature of the work performed.
9 *Crommie, supra* at 725, citing *Serrano v. Priest, supra*, 20 Cal.3d at 48-49. Market rates
10 charged by attorneys of comparable skill and experience should be used to calculate fees
11 even for attorneys who handle cases on a contingency basis and have no billing rate.
12 *Blanchard v. Bergeron* (1989) 489 U.S. 87, 96, 109 S.Ct. 939, 946. Further, fees are not
13 limited, as in a traditional tort contingency fee case, by the amount of the plaintiff's
14 recovery. *Blanchard v. Bergeron, id.*

15
16 In *Horsford, supra*, 132 Cal. App.4th 398 - 399, the court found that the trial court
17 erred in failing adequately to consider the propriety of a higher hourly rate for a higher
18 priced employment specialist attorney, in order to accomplish the purposes of FEHA. The
19 purpose of statutory attorney fee provisions is to provide financial incentives necessary for
20 the private enforcement of important civil rights. If a potential defendant is so replete with
21 resources as to potentially overwhelm non-specialist counsel, or if the non-specialist
22 plaintiffs' bar has not the resources to engage in complex litigation on a contingency-fee
23 basis, the public interest in the prosecution of meritorious civil rights cases requires that
24 the financial incentives be adjusted to attract attorneys who are sufficient to the cause.

25
26 In *Bihun v. AT&T Information Systems, Inc., supra*, 13 Cal.App.4th at 997,
27 attorneys fees in the amount of at the rate of \$450 per hour for a Los Angeles attorney in
28

1 a FEHA case were affirmed as reasonable based on counsel's "knowledge, skill,
2 experience and reputation." This case was litigated over 20 years ago.

3 As set forth in his Declaration filed concurrently herewith, Mr. Smith is a highly
4 experienced and accomplished employment law attorney with multiple substantial
5 plaintiff's verdicts in excess of \$1,000,000. Mr. Smith is also a member of the American
6 Board of Trial Advocates and has substantial amounts of jury trial experience. In addition,
7 Mr. Smith was the attorney who handled the recent FEHA based decision of *McDonald, et*
8 *al. v. AVCCD* in which the California Supreme Court agreed that the doctrine of equitable
9 tolling applies to a FEHA complaint. Other cases in which he has obtained substantial
10 verdicts have been affirmed on appeal. Mr. Smith seeks a reasonable hourly rate of
11 \$600.00 an hour, a rate of only \$100.00 per hour more than was awarded and approved a
12 decade ago. The hourly rates requested are substantiated by the multiple recent fee
13 awards for Mr. Smith by both state and federal judges in the amount of \$500.00 an hour in
14 FEHA cases. Mr. Smith spent a total of 727.6 hours through the conclusion of trial for
15 Plaintiffs for a total of \$436,560.00.

16 As set forth in his Declaration filed concurrently herewith, Mr. Brizzolara is a highly
17 experienced and accomplished employment law attorney with multiple substantial
18 plaintiff's verdicts in excess of \$1,000,000. Mr. Brizzolara has been practicing for almost
19 30 years and has substantial jury trial experience. For most of his practice, Mr. Brizzolara
20 defended attorneys in professional liability lawsuits and other claims. From that
21 experience, he has had the opportunity to review and evaluate the attorney work product,
22 legal services, and billing rates of numerous law firms and attorneys, including the
23 attorney work product, legal services, and billing rates of numerous law firms and
24 attorneys handling employment litigation and related issues in the Southern California
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1 area. The bulk of the recent jury trials that he has tried as plaintiff's counsel as either lead
2 counsel or trial co-counsel have resulted in jury verdicts in excess of one million dollars.
3 He was selected as a Southern California Super Lawyer for each of the years 2007, 2008,
4 2009, and 2010 by Los Angeles Magazine and its associates. In 2009, he was inducted
5 into the Million Dollar and Multi-Million Dollar Advocates Forums. Mr. Brizzolara seeks a
6 reasonable hourly rate of \$600.00 an hour. Mr. Brizzolara spent a total of 590.1 hours
7 through the conclusion of trial for Plaintiffs for a total of \$354,060.00.
8

9 Mr. Benedon's declaration sets forth that the reasonable value of his services is
10 \$525.00 an hour. Mr. Benedon spent a total of 118.5 hours on appellate work prior to trial
11 for a total of \$62,212.50.

12 Ms. Francia's declaration sets forth the reasonable value of her services at \$200.00
13 an hour. Ms. Francia spent a total 118.5 hours on this case for a total of \$23,700.00.
14

15 **C. The Use of Multiple Counsel Was Appropriate**

16 California courts have recognized that multiple counsel are permissible (and often
17 advisable) when the demands of the case warrant more than one attorney. In such cases,
18 some duplication of work is both expected and compensable. *California Common Cause*
19 *v. Duffy* (1987) 200 Cal.App.3d 730, 753; *Citizens Against Rent Control v. City of Berkeley*
20 (1986) 181 Cal.App.3d 213, 234. Reasonable hours may include time spent by more than
21 one attorney on a particular issue or task. *Davis v. City & County of San Francisco*,
22 (1992) 976 F.2d at 1544; *California Common Cause v. Duffy*, (1987) 200 Cal.App.3d at
23 753. See also *Bouman v. Block* (9th Cir. 1991) 940 F.2d 1211, 1236 ("lawyers often hire
24 other lawyers to help them with specific issues in the case").
25

26 Plaintiff was and is entitled to have multiple attorneys working on this case given
27 the amount of work it entailed. Notably, the City had two attorneys, sometimes more, and
28

1 a paralegal working on this case both pre-trial and through trial.

2 **D. Substantial Attorneys' Fees Awards In Comparable Feha Cases Have**
3 **Been Affirmed**

4 California courts have previously consistently upheld the award of substantial
5 amounts of attorneys' fees and costs in FEHA actions. (*Flannery v. Prentice* (2001) 26
6 Cal.4th 572 - \$1 million fee award in fees and expenses after the jury returned a verdict in
7 favor of the plaintiff of only \$250,000; *Greene v. Dillingham* (2002) 101 Cal. App. 4th 418 -
8 \$1,095,794.55 fee award remanded to the trial court with directions to consider whether to
9 apply an additional fee enhancement for the contingent risk factor; *Weeks v. Baker &*
10 *McKenzie* 1998) 63 Cal.App.4th 1128 - \$1,847,437.86 fee award; *Vo v. Las Virgenes*
11 *Municipal Water District* (2000) 79 Cal.App.4th 440 - \$470,000 fee award upheld even
12 though plaintiff only obtained a modest judgment of \$40,000, and only prevailed on only
13 one of his three FEHA causes of action.)

14
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16 **III. A MULTIPLIER OF 2.0 OF THE LODESTAR IS APPROPRIATE**

17 In *Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1132, the California Supreme Court
18 held that fee enhancement multipliers of 2 - 4 times are allowed under California law. The
19 Court reasoned that:

20 "The purpose of a multiplier is to fix a fee at the fair market value for the particular
21 action. In effect, the court determines, retrospectively whether the litigation
22 involved a contingent risk, or required extraordinary legal skill justifying
23 augmentation of the unadorned lodestar, in order to approximate the fair market
24 rate for such services... the multiplier for contingent risk brings the financial
25 incentive for attorneys enforcing important constitutional rights...into line with
incentives they have to undertake claims for which they are paid on a fee-for
services- basis."

26 The Court further noted that applying a fee enhancement does not inevitably result
27 in a windfall for attorneys:
28

1 "Under our precedent, the unadorned lode star reflects the general local hourly
2 rate for a fee- bearing case; it does not include any compensation for contingent
3 risk, extraordinary skill, or any other factors a trial court may consider under
4 *Serrano III*. The adjustment to the Lode Star Figure, e.g., **to provide a fee**
5 **enhancement reflecting the risk that the attorney will not receive payment if**
6 **the suit does not succeed, constitutes earned compensation; unlike a**
7 **windfall, it is neither expected nor fortuitous. Rather, it is intended to**
8 **approximate market - level compensation for such services, which typically**
9 **includes a premium for the risk of non payment, or delay in payment of**
10 **attorneys fees."** Ketchum, *supra*, at 1138. (Emphasis added.)

11 Thus, the California Supreme Court clearly has indicated that the court's discretion
12 in awarding attorney fees is, initially ("absent circumstances rendering the award unjust"),
13 to be exercised so as to fully compensate counsel for the prevailing party for services
14 reasonably provided to his or her client. The basis for the trial court's calculation must be
15 the actual hours counsel has devoted to the case. *Ketchum, supra*, 24 Cal.4th at p.
16 1133.) Then the court must adjust the resulting fee to fulfill the statutory purpose of
17 bringing "the financial incentives for attorneys enforcing important constitutional rights ...
18 into line with incentives they have to undertake claims for which they are paid on a fee-for-
19 service basis." *Id.* at p. 1132.)

20 Courts recognize that attorneys representing plaintiffs in employment cases usually
21 work on a contingency fee basis. There is thus no set hourly rate chargeable to the client.
22 California courts consider the contingency fee risk as a factor to enhance the lodestar
23 amount where deemed appropriate to attract attorneys to cases of significant public
24 interest and to compensate for the risk of loss present in contingency fee cases. *Serrano,*
25 *supra*, 20 Cal.3d at 48; *Ketchum, supra*, 24 Cal.4th at 1137-1138. *Ketchum* cited to
26 *Serrano v. Priest (Serrano III)* and provided a list of other cases where fee enhancements
27 were allowed, including citation to the FEHA case of *Weeks v. Baker McKenzie*.

28 California courts may consider the contingency fee risk as a factor to enhance the
lodestar amount where deemed appropriate to attract attorneys to cases of significant

1 public interest and to compensate for the risk of loss and delay in payment inherent in
2 contingency fee cases. *Horsford, supra*, 132 Cal.App.4th at 359. It has long been
3 recognized that the contingent and deferred nature of the fee award in a civil rights,
4 FEHA, or other case with statutory attorney fees requires that the fee be adjusted in some
5 manner to reflect the fact that the fair market value of legal services provided on a
6 contingent fee basis is greater than the equivalent non-contingent hourly rate. *Ketchum v.*
7 *Moses, supra*, 24 Cal.4th at pp. 1132-1133 - " 'A lawyer who both bears the risk of not
8 being paid and provides legal services is not receiving the fair market value of his work if
9 he is paid only for the second of these functions. If he is paid no more, competent
10 counsel will be reluctant to accept fee award cases.' " (quoting with approval from
11 Leubsdorf, *The Contingency Factor in Attorney Fee Awards* (1981) 90 Yale L.J. 473, 480.)
12 The contingency adjustment may be made at the lodestar phase of the court's calculation
13 or by applying a multiplier to the non-contingency lodestar calculation. *Ketchum, supra*, 24
14 Cal.4th at pp. 1133-1134.

17 Justice requires that plaintiff's attorney's fees be paid by defendant rather than
18 plaintiff out of any recovery in the litigation (*Press v. Lucky Stores, Inc., supra*, 34 Cal.3d
19 at 318-319.) Similarly, plaintiff's counsel should not have to look to their client, under a
20 contingency fee agreement, to make up for any shortfall in compensation arising from the
21 court's statutory fee award. *Horsford v. the Board of Trustees of California State*
22 *University, supra*, 132 Cal. App.4th at 401. One of the purposes of FEHA is to "make
23 plaintiff whole", that is, putting plaintiff where he would have been but for the employer's
24 unlawful conduct, physically, financially, and emotionally. See, e.g., *Cloud v. Western*
25 *Atlas, Inc.* (1999) 76 Cal. App. 4th 895, 909; Ca. Gov. Code § 12970(a); *Commodore*
26 *Home Systems, Inc. v. Sup.Ct. (Brown)* (1982) 32 Cal.3d 211, 213; *Ofsevit v. Trustees of*
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1 *Cal. State Univ. & Colleges* (1978) 21 Cal.3d 763, 7769, fn. 14; *Ca. Code of Regulations* §
2 7286.9; *League of United Latin American Citizens (LULAC), Monterey Chapter 2055 v.*
3 *City of Salinas Fire Dept.* (9th Cir. 1981) 654 F.2d 557, 559.

4 Here, to effectuate the purposes of FEHA, the attorneys' fees awarded to Plaintiff
5 should be equivalent to the amount Plaintiff is required to pay counsel to prosecute his
6 claims. All of the facts and circumstances in this matter justify a multiplier of 2.0.

- 7 • All counsel have a certain amount of expertise in litigating employment
8 cases against public entities.
- 9 • The Plaintiff and his counsel were required to go to trial due to the fact that
10 the City never offered a reasonable value to settle this matter.
- 11 • The attorneys represent the Plaintiff in this matter on a contingency basis
12 and have taken a great risk given the amount of time involved and the costs
13 advanced.
- 14 • Based on past experience, the City of Burbank will almost certainly appeal
15 the judgment, a number of years will have passed from the date of the first
16 filing until the Plaintiff and their counsel finally get paid, if at all.
- 17 • The trail was extremely complex.
- 18 • The City spent at least \$1.5 million litigating this case creating diversions
19 and difficulties throughout the litigation of this matter.
- 20 • Plaintiff's counsel was forced to forgo other opportunities of employment
21 because of the amount of time expended in this case.

22 As such, Plaintiff respectfully requests the Court to apply a multiplier of at least 2.0 in
23 order to enhance the lodestar. Such a multiplier enhancement will also serve to reflect the
24 factors of contingent risk, delay in payment, and other factors supporting a fee
25

1 enhancement in this action.

2 **IV. CONCLUSION**


3 For all of the foregoing reasons, Plaintiff requests that the Court grant this motion in
4 its entirety and award Plaintiff's attorneys' fees in the amount of \$876,532.50. In addition,
5 Plaintiff requests that the court enhance the attorneys' fees by a multiplier of 2.0 for a total
6 fee of \$1,753,065.00.
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8
9 Respectfully submitted,

10 Dated: June 11, 2012

LAW OFFICES OF GREGORY W. SMITH

11
12 By:



13 GREGORY W. SMITH
14 Attorneys for Plaintiff
15 WILLIAM TAYLOR
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PROOF OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age, and am not a party to the within action; my business address is 9100 Wilshire Boulevard, Suite 345E, Beverly Hills, California 90212.

On the date hereinbelow specified, I served the foregoing document, described as set forth below on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes, at Beverly Hills, addressed as follows:

DATE OF SERVICE : June 11, 2012

DOCUMENT SERVED : **PLAINTIFF'S MOTION FOR ATTORNEY'S FEES;
MEMORANDUM OF POINTS AND AUTHORITIES IN
SUPPORT; DECLARATIONS IN SUPPORT THEREOF**

PARTIES SERVED : **SEE ATTACHED SERVICE LIST.**

XXX (BY REGULAR MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Beverly Hills, California. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

XXX (BY ELECTRONIC MAIL) I caused such document to be electronically mailed to **Christopher Brizzolara, Esq.** at the following e-mail address: samurai@adelphia.net.

XXX (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

— (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED at Beverly Hills, California on June 11, 2012.

Selma I. Francia

SERVICE LIST

WILLIAM TAYLOR v. CITY OF BURBANK
LOS ANGELES COUNTY SUPERIOR COURT CASE NO. BC 422 252

Christopher Brizzolara, Esq.
1528 16th Street
Santa Monica, California 90404
(By Electronic Mail Only)

Ronald F. Frank, Esq.
Robert J. Tyson, Esq.
Burke Williams & Sorenson LLP
444 South Flower Street, Suite 2400
Los Angeles, California 90071-2953

Amelia Ann Albano, City Attorney
Carol A. Humiston, Sr. Asst. City Atty.
Office of the City Attorney
City of Burbank
275 East Olive Avenue
Post Office Box 6459
Burbank, California 91510

Linda Miller Savitt, Esq.
Philip L. Reznik, Esq.
Ballard Rosenberg Golper & Savitt LLP
500 North Brand Boulevard, 20th Floor
Glendale, California 91203-9946